

MAR 10 2005

0005/007

TERMINAL DISCLAIMER

Serial Number: 09/886,481

Filing Date: June 21, 2001

Title: MODULAR COMPUTER

Dkt: P1588US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RAPAICH, Mark X.
 Serial No.: 09/886,481
 Filing Date: June 21, 2001
 Title: MODULAR COMPUTER

Examiner: Hung V. Duong
 Group Art Unit: 2835
 Atty Docket No. P1588US01

FEF
ONLY

Mail Stop Amendment
 Commissioner for Patents
 P.O. 1450
 Alexandria, VA 22313-1450

Further to the Office Action dated December 14, 2004 please enter the following
 Terminal Disclaimer.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
 PATENTING REJECTION OVER A PRIOR PATENT**

Statement of Ownership under 37 CFR §3.73(b)(1)(II):

The Assignee of record is Gateway, Inc., located at Gateway Drive, Y04, North Sioux City, South Dakota, 57049-2000. The Assignment is recorded in the U.S. Patent and Trademark Office on Reel 011600 at Frame 0015. As Assignee, Gateway, Inc. is owner of a 100% interest in the above-identified patent application.

Terminal Disclaimer

Gateway, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified U.S. Patent Application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of prior Patent No. 6,366,454. Gateway, Inc. hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

Page 1 of 2

03/15/2005 RTYSON 00000002 500439 09086481

91 FC:1814

139.00 DA

BEST AVAILABLE COPY

TERMINAL DISCLAIMER

Serial Number: 09/86481

Filing Date: June 21, 2001

Title: MODULAR COMPUTER

Dkt: P1588US01

BEST AVAILABLE COPY

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S. C. §154 to §156 and §173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its fully statutory term as presently shortened by any terminal disclaimer.

Conclusion

It is respectfully submitted that the claims are in condition for allowance and notification to that effect is earnestly requested. In the event that issues arise which may be readily resolved via telephone, the Examiner is kindly invited to contact the Applicant's attorney to facilitate prosecution of this application at telephone number (605)232-1967.

The undersigned is empowered to act on behalf of the organization for submissions on behalf of Gateway, Inc. A Fee Transmittal is being filed in conjunction with this Terminal Disclaimer for payment of the appropriate fee under 37 CFR §1.20(d). If necessary, please charge any additional fees, or credit any overpayment, to Deposit Account No. 50-439.

Respectfully submitted,

Gateway, Inc.

Date: March 10, 2005

By



Jeffrey A. Proehl

Reg. No. 35,987

610 Gateway Drive, Y-04

North Sioux City, SD 57049

Telephone (605) 232-1967

Fax (605) 232-2612